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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641-PHX-DGC

This Document Applies to:

**DARRYL ALLEN Fiset**

**SECOND AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL (AMENDED)**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Darryl Allen Fiset (AKA Darryl A. Furman)

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

None

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

None

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the  
2 time of implant:

3 OK

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the  
5 time of injury:

6 TX

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 OK

9 7. District Court and Division in which venue would be proper absent direct filing:

10 United States District Court for the Northern District of Oklahoma

11 8. Defendants (Check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: \_\_\_\_\_

17 a. Other allegations of jurisdiction and venue not expressed in Master  
18 Complaint:

19 \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim  
23 (Check applicable Inferior Vena Cava Filter(s)):

24 ☐ Recovery<sup>®</sup> Vena Cava Filter

25 ☐ G2<sup>®</sup> Vena Cava Filter

26 ☒ G2<sup>®</sup> Express

27 ☐ G2<sup>®</sup> X Vena Cava Filter

28 \_\_\_\_\_

- 1 ☐ Eclipse® Vena Cava Filter
- 2 ☐ Meridian® Vena Cava Filter
- 3 ☐ Denali® Vena Cava Filter
- 4 ☐ Other: \_\_\_\_\_
- 5 11. Date of Implantation as to each product:
- 6 07/16/2010
- 7 \_\_\_\_\_
- 8 12. Counts in the Master Complaint brought by Plaintiff(s):
- 9 ☒ Count I: Strict Products Liability – Manufacturing Defect
- 10 ☒ Count II: Strict Products Liability – Information Defect (Failure to
- 11 Warn)
- 12 ☒ Count III: Strict Products Liability – Design Defect
- 13 ☒ Count IV: Negligence - Design
- 14 ☒ Count V: Negligence - Manufacture
- 15 ☒ Count VI: Negligence – Failure to Recall/Retrofit
- 16 ☒ Count VII: Negligence – Failure to Warn
- 17 ☒ Count VIII: Negligent Misrepresentation
- 18 ☒ Count IX: Negligence *Per Se*
- 19 ☒ Count X: Breach of Express Warranty
- 20 ☒ Count XI: Breach of Implied Warranty
- 21 ☒ Count XII: Fraudulent Misrepresentation
- 22 ☒ Count XIII: Fraudulent Concealment
- 23 ☒ Count XIV: Violations of Applicable TX Law Prohibiting Consumer
- 24 Fraud and Unfair and Deceptive Trade Practices
- 25 ☐ Count XV: Loss of Consortium
- 26 ☐ Count XVI: Wrongful Death
- 27 ☐ Count XVII: Survival
- 28

☒ Punitive Damages

☒ Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact. (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of June, 2019.

**DALIMONTE RUEB STOLLER, LLP**

By: /s/ Paul L. Stoller

John A. Dalimonte  
Paul L. Stoller  
Ashley Crowell

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of June, 2019 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Donna M. Berrios